

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JERAL DURANT HENDERSON, §
§
Plaintiff, §
§
v. § Civil Action No. **3:23-CV-775-L-BN**
§
PNC BANKING CORPORATION, §
§
Defendant. §

ORDER

On April 18, 2023, The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered, recommending that the court grant Plaintiff’s Motion to Proceed In Forma Pauperis (Doc. 4) and then dismiss with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), this pro se action by him and all claims asserted in his Complaint (Doc. 3) as baseless and for failure to state claims upon which relief can be granted. No objections to the Report were filed as of the date of this order, and the deadline for filing objections has expired.

Having considered the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Plaintiff’s Motion to Proceed In Forma Pauperis (Doc. 4) and, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), **dismisses with prejudice** this action and all claims asserted by Plaintiffs as baseless and for failure to state claims upon which relief can be granted.

The court prospectively **certifies** that any appeal of this action by Plaintiff would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this

action by Plaintiff would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 18th day of May, 2023.



Sam A. Lindsay
United States District Judge